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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,869	11/13/2003	Chun-Hsien Tseng	P69277US0	6298

7590 12/17/2004

JACOBSON HOLMAN PLLC  
400 SEVENTH STREET, N.W.  
WASHINGTON, DC 20004

EXAMINER
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BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/705,869

Applicant(s)

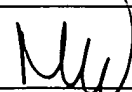
TSENG, CHUN-HSIEN

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

This is the first office action for serial number 10/705,869, Foldable Article of Furniture, filed November 13, 2003.

***Claim Rejections - 35 USC § 102***

Claim 1 is rejected U.S. Patent No. 2,425,162 to Overbey. The present invention reads on Overbey as follows. Overbey teaches foldable article of furniture comprising top supported frame (12), a plurality of engaging members (15), supporting legs (13), couplers (23), joints (form by connecting the engaging member and coupler), locking members (29) and biasing members (33). The surrounding top supported frame surrounds a central axis when the table is circular in shape. Different shapes are encourage at line 9 of column 2. The plurality of engaging members is secured on the top supported frame and angularly displaced from one another. Each of the engaging members include an upper and lower portions opposite to each other in an upright direction parallel to the central axis, and proximate to and distal from the top supported frame, respectively. Each of the plurality of supporting legs include a lower section which is adapted to stand on the ground surface and an upper section opposite to the lower section in the upright direction. The plurality of couplers is secured on the upper sections of the supporting legs, respectively. Each of the couplers includes distal and proximate portions opposite to each other in the upright direction, and distal from and proximate to the upper section, respectively. Each of the plurality of joints is disposed to connect the lower portion to the proximate portion such that the proximate portion is turnable relative to the lower portion about a pivot axis that is transverse to the central axis between an upright positions. Both a respective one of the couplers and a respective one of the engaging

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members are oriented in the upright direction so as to position the lower section on the ground surface, and a collapsed position, where the respective one of the couplers is inclined relative to the respective one of the engaging members so as to bring the lower section close to the central axis, and such that said proximate portion is movable relative to the lower portion in the upright direction between upper and lower positions. Each of the plurality of locking members is disposed to lock the proximate portion so as to prevent turning of the proximate portion relative to the lower portion about the pivot axis when the proximate portion is in the upper position, and to release the proximate portion so as to permit turning of the proximate portion about the pivot axis to the collapsed position when the proximate portion is in the lower position. Each of the plurality of biasing members is disposed to bias the proximate portion towards the upper position.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Overbey in view of U.S. Patent No.1,309,774 to Otte. Overbey teaches the limitations of the base claim, excluding the legs sections of two adjacent one of the supporting leg being connected.

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Otte teaches a foldable article of furniture having a leg sections of two adjacent one on the supporting leg being connected. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified apparatus by Overbey to have incorporated the connected legs as taught by Otte, as mere substitution of functional equivalent parts for readily supporting a collapsible article of furniture in two positions.

#### *Allowable Subject Matter*

Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach locking members including a cavity unit formed in the upper edge and extends in the upright direction towards the proximate portion.

#### *Conclusion*

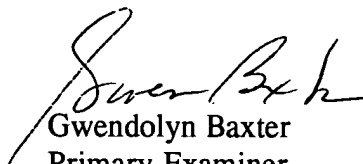
The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Tseng 5,367,962; Lay 3,396,928; Burr 3,554,141 and Roberts 4,144,822 teach foldable furniture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

December 11, 2004